

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RACHEL A. ARELLANO,
Plaintiff,

v.

J. BETTANCOURT, et al.,
Defendants.

No. C 08-04313 SBA (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

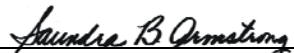
Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On February 20, 2009, mail directed to Plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. To date, Plaintiff has not updated her address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within sixty days of this return a written communication from the pro se party indicating a current address. See L.R. 3-11(b).

More than sixty days have passed since the mail directed to Plaintiff by the Court was returned as undeliverable. The Court has not received a notice from Plaintiff of a new address. Accordingly, the complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk of the Court shall enter judgment in accordance with this Order.

IT IS SO ORDERED.

DATED: 4/22/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA
5
6

7 RACHEL A. ARELLANO,

Case Number: CV08-04313 SBA

8 Plaintiff,

CERTIFICATE OF SERVICE

9 v.

10 J. BETTANCOURT et al,

11 Defendant.
12 _____/

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
14 Court, Northern District of California.

15 That on April 23, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
17 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19 Rachel Ann Arellano DNT245 - 08047537
20 Santa Clara County Jail
21 Elmwood Facility
22 701 S. Abel Street
23 Milpitas, CA 95035

24 Dated: April 23, 2009

25 Richard W. Wieking, Clerk
26 By: LISA R CLARK, Deputy Clerk
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